

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Criminal Minute Order

The Honorable Claudia Wilken, Presiding  
Clerk: Sheilah Cahill  
Court Reporter: Raynee Mercado  
Date: 7/9/08

**FILED**  
JUL 11 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**Plaintiff:** United States

**v.**

**No.** CR-07-00364 CW

**Defendant:** Marvin Nelson (present)

**Appearances for Plaintiff:**  
Chinhayi Coleman

**Appearances for Defendant:**  
Joyce Leavitt

**Probation Officer:**  
Chris Carrubba

**Hearing: Sentencing**

**Notes:** Defendant and counsel have read PSR; no factual disputes. Court finds Offense Level 13, Criminal History II, leading to a Guideline Range of 15-21 months. Court sentences the defendant to 5 years probation under the usual terms and conditions and the special conditions as set forth in the PSR except the defendant to serve 12 months in a community confinement center to start NLT 9/2/08 to be followed by 3 months home confinement with location monitoring (P/O can waive fees based on financial circumstances). No fine imposed due to lack of ability to pay a fine and amount of restitution imposed. Defendant to pay \$100 special assessment which is due immediately; if unable to pay immediately, the first payment upon release from halfway house will go towards the special assessment. Defendant to pay \$132,968.68 restitution (less any amount already paid) at the rate of \$100 per month upon release from halfway house. Any remaining counts are dismissed. See J&c for details.

Copies to: Chambers